

ORIGINAL

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

CITY OF DesPLAINES, an Illinois
municipal corporation,

Petitioner,

vs.

UNION PACIFIC RAILROAD COMPANY,
WISCONSIN CENTRAL TRANSPORTATION
CORPORATION, and ILLINOIS
DEPARTMENT OF TRANSPORTATION,

Respondents.

In the matter of the Petition of
the City of DesPlaines for an Order
of the Illinois Commerce Commission
to require installation of safety
devices at a railroad bridge
overpass in the City of DesPlaines,
Cook County, Illinois.

RECEIVED
SEP 26 2005

Illinois Commerce Commission
RAIL SAFETY SECTION

Docket No. T01-0039

VERIFIED ANNUAL INSPECTION REPORT FOR RAILROAD BRIDGE OVERPASS
ABOVE U. S. HIGHWAY 14 TO THE DIRECTOR OF PROCESSING OF THE
ILLINOIS COMMERCE COMMISSION TRANSPORTATION BUREAU AS
REQUIRED BY ADMINISTRATIVE LAW JUDGE'S ORDER ENTERED
ON SEPTEMBER 23, 2004

NOW COMES Union Pacific Railroad Company ("UP") and states
as follows:

1. Said Order provides in part that the Respondent UP
shall inspect a Railroad Bridge Overpass on a twice-weekly basis
on non-consecutive days. Said Railroad Bridge Overpass is
located at approximately 1000 East Miner Street, also known as
Northwest Highway and U. S. Route 14, in the City of Des

DOCKETED

SEP 27 2005

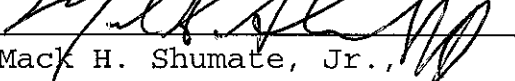
Plaines, Cook County, Illinois. The purpose of such inspections is to determine the effectiveness of the remedial measures undertaken by the UP to prevent debris from falling to the pavement and endangering vehicles traveling under the Railroad Bridge Overpass.

2. Attached hereto is a verified statement from Gary J. Wilwerding, Manager Industrial and Public Projects confirming that the required bridge inspections have been completed in accordance with the Commission's Order and that the remedial measures taken are working, that the Falling Debris Prevention System is intact and no debris from the Railroad Bridge Overpass was found on U. S. Route 14 below the Railroad Bridge Overpass.

Respectfully submitted,

Union Pacific Railroad Company

Dated: September 23, 2005

By: 
Mack H. Shumate, Jr.,
Senior General Attorney
Union Pacific Railroad Company
101 North Wacker Drive
Suite 1920
Chicago, Illinois 60606
312/777-2055
312/777-2065 (Fax)
email: mackshumate@up.com
ARDC #02595532

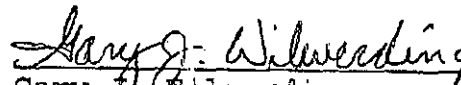
VERIFIED STATEMENT
OF
GARY J. WILWERDING

1. My name is Gary J. Wilwerding. I am employed by Union Pacific Railroad Company ("Union Pacific") as Manager Industrial and Public Projects with an office address of 301 West Lake Street, Northlake, IL 60164.


2. In my present position as Manager Industrial and Public Projects for the Engineering Department of the Union Pacific, I am familiar with the Railroad Bridge Overpass in the City of Des Plaines, Cook County, Illinois at the intersection of the Union Pacific's trackage and 1000 East Miner Street, also known as Northwest Highway or U.S. Route 14 (the "Railroad Bridge Overpass") and the twice weekly inspections that have been performed to keep track of the integrity of the Falling Debris Prevention System (the "FDPS") for the Railroad Bridge Overpass and the performance of such FDPS during the annual inspection period ending September 23, 2005.

3. Based on my personal discussions with Keith Eich, Manager of Bridge Maintenance and the inspections performed by Demetrius White and Steven Hugger under Mr. Eich's direct supervision, the FDPS is and has remained in good working order for the entire fiscal year for which the twice-weekly inspections have been made and no debris from railroad operations on the Railroad Bridge Overpass or any part of the Railroad Bridge Overpass itself was observed as having fallen on U. S. Route 14 underneath said Railroad Bridge Overpass.

Gary J. Wilwerding, being first duly sworn deposes and states that he has read the above document, knows the contents asserted therein, and that the same are true as stated.


Gary J. Wilwerding

Subscribed and Sworn to before me
this 23rd day of September, 2005.


Notary Public

G:\Law\Commerce\Commstat\Comm11\T01-0039\014.doc



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ILLINOIS COMMERCE COMMISSION

CITY OF Des Plaines, an Illinois)
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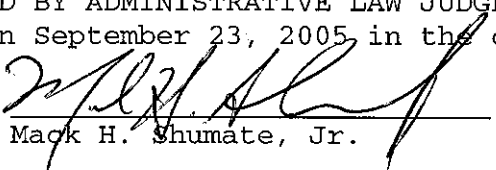
Docket No. T01-0039

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the City of DesPlaines for an Order)
of the Illinois Commerce Commission)
to require installation of safety)
devices at a railroad bridge)
overpass in the City of DesPlaines,)
Cook County, Illinois.)

NOTICE OF FILING

TO: Mr. David Lazarides, Director of Processing
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, IL 62794-9280

PLEASE TAKE NOTICE that I have filed this 23rd day of September, 2005, Union Pacific Railroad Company's VERIFIED ANNUAL INSPECTION REPORT FOR RAILROAD BRIDGE OVERPASS ABOVE U. S. HIGHWAY 14 TO THE DIRECTOR OF PROCESSING OF THE ILLINOIS COMMERCE COMMISSION TRANSPORTATION BUREAU AS REQUIRED BY ADMINISTRATIVE LAW JUDGE'S ORDER ENTERED ON SEPTEMBER 23, 2004 on September 23, 2005, in the captioned matter.


Mack H. Shumate, Jr.

Mack H. Shumate, Jr.
Union Pacific Railroad Company
101 North Wacker Drive, Suite 1920
Chicago, Illinois 60606
312/777-2055
312/777-2065 (Fax)
e-mail: mackshumate@up.com ARDC# 02595532

STATE OF ILLINOIS
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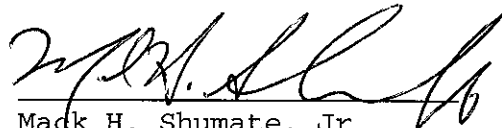
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Cook County, Illinois.

CERTIFICATE OF SERVICE

The undersigned on oath states that a copy of Union Pacific Railroad Company's VERIFIED ANNUAL INSPECTION REPORT FOR RAILROAD BRIDGE OVERPASS ABOVE U. S. HIGHWAY 14 TO THE DIRECTOR OF PROCESSING OF THE ILLINOIS COMMERCE COMMISSION TRANSPORTATION BUREAU AS REQUIRED BY ADMINISTRATIVE LAW JUDGE'S ORDER ENTERED ON SEPTEMBER 23, 2004 on September 23, 2005 in the captioned matter was served by depositing true and correct copies of same in the U.S. Mail chute, with proper postage prepaid located at 101 North Wacker Drive, Chicago, Illinois, before 5:00 p.m. on 2nd day of November, 2004 to the following individuals:

SEE ATTACHED SERVICE LIST


Mack H. Shumate, Jr.

Mack H. Shumate, Jr.
Union Pacific Railroad Company
101 North Wacker Drive, Suite 1920
Chicago, Illinois 60606
312/777-2055

SERVICE LIST

Case No. T01-0039

Mr. Victor A. Modeer
Director of Highways –IDOT
ATTN: Jeff Harpring, Room 205
2300 South Dirksen Parkway
Springfield, IL 62764

Mr. Walter S. Kos
Cook County Highway Engineer
69 West Washington 23rd Floor
Chicago, IL 60602

Ms. Donna McAllister
Clerk, City of Des Plaines
1420 Miner Street
Des Plaines, IL 60016-4400

Mr. Michael J. Barron, Jr.
Wisconsin Central, Ltd.
17641 South Ashland Avenue
Homewood, IL 60430-1339

Mr. Adam B. Simon
Ancel, Glink, Diamond, Bush,
DiCianni & Rolek, P.C.
140 South Dearborn Street
Chicago, IL 60603

Mr. Paul N. Keller
Ancel, Glink, Diamond, Bush,
DiCianni & Rolek, P.C.
140 South Dearborn Street – 6th Floor
Chicago, IL 60603

Ms. Janet H. Gilbert
Wisconsin Central, Ltd.
17641 South Ashland Avenue
Homewood, IL 60430-1339

Mr. Anthony Arredia
Acting Mayor
City of Des Plaines
1420 Miner Street
Des Plaines, IL 60016-4400

Mr. Raymond P. Bartel
Assistant City Attorney
City of Des Plaines
1420 Miner/Northwest Highway
Des Plaines, IL 60016-4498

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City of Des Plaines
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Des Plaines, IL 60016

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